

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:18-cv-13-RJC  
5:13-cr-80-RJC-DSC-1**

**DARIUS DONNELL FREEMAN,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on Petitioner's Amended Motion to Vacate under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Doc. 12).

Petitioner filed his original § 2255 Motion to Vacate on January 4, 2018, in which he challenged trial counsel's effectiveness with regards to a suppression motion. (Doc. No. 1). The Court denied the petition on the merits on May 16, 2018. (Doc. No. 4).

However, on May 4, 2018, Petitioner had mailed the Court a Motion for Leave to Amend seeking to add three more claims. (Doc. No. 3). Petitioner appealed and the Fourth Circuit remanded for consideration of Petitioner's Motion to Amend. (Doc. No. 9).

On December 20, 2018, the Court granted Petitioner's Motion for Leave to Amend and instructed him to file a succinct Amended § 2255 Motion to Vacate within 30 days, subject to all timeliness and procedural requirements. (Doc. No. 11). Petitioner was reminded that, although he is proceeding *pro se*, he is required to comply with all applicable rules and procedures including this Court's Local Rules, the Federal Rules of Civil Procedure, and the Rules Governing Section

2255 Proceedings. (Id.).

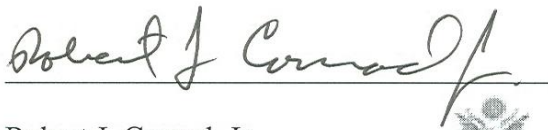
On January 14, 2019, Petitioner filed an Amended § 2255 Motion to Vacate a standard § 2255 form that is only partially completed, unsigned, and contains no claims for relief. “Ground One” of the form states “Please see docket text #3, Motion for Leave to Amend 2255 by Darius Donnell Freeman....” (Doc. No. 12 at 4).

The Amended § 2255 Motion to Vacate is insufficient to proceed in that it contains no claims for relief, no supporting facts, does not identify the requested relief, and has not been signed under penalty of perjury. See Rule 2(b)(1)-(3), (5), 28 U.S.C.A. foll. § 2255. Petitioner’s citation to the Motion for Leave to Amend, (Doc. No. 3), is unavailing because that document is not on a § 2255 form and is not signed under penalty of perjury. Moreover, piecemeal filings will not be permitted.

Petitioner shall have **twenty (20)** days to file a Second Amended § 2255 Motion to Vacate signed under penalty of perjury that complies with all applicable rules and procedures. See generally (Doc. No. 11). If Petitioner fails to comply with this Order, this action will be closed without further notice.

**IT IS, THEREFORE, ORDERED** that Petitioner shall file a Second Amended § 2255 Motion to Vacate within **twenty (20)** days from entry of this Order. If Petitioner fails to comply, this case will be closed without further notice.

Signed: February 8, 2019

  
Robert J. Conrad, Jr.  
United States District Judge

